IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1417 (S/S) of 2005

Bhagwan Sharan Dixit,
son of Sri Ram Gulam Dixit,
resident of Jail Compound (Sub Jail Haldwani)
District – Nainital
……Petitioner.

Versus.

1. State of Uttaranchal through Secretary Prison, Dehradun.
2. Inspector General of Prison (Jail) Uttaranchal, Dehradun.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Nandan Arya, learned counsel for the petitioner and learned standing counsel for the State of Uttaranchal, on behalf of respondents.

By means of this writ petition, the petitioner has challenged the order dated 21.08.2005 passed by respondent no. 2 i.e. Inspector General of Prison (Jail), Uttaranchal, Dehradun by which respondent no. 2 has suspended the petitioner, who was working as Bandi Rakshak in Sub Jail, Haldwani and by the same order he was also attached to District Jail, Tehri.

Learned counsel for the petitioner has submitted that neither petitioner has received any chargesheet nor any Inquiry Officer has been appointed by the respondents till date.

I don't find any ground to interfere with the impugned order dated 21.08.2005. However, considering the fact that since the petitioner has been attached to District Jail, Tehri and no Inquiry Officer has been appointed by the respondents as stated by the learned counsel for the petitioner till date. I think it just and proper to direct the respondent no. 2 to appoint the Inquiry Officer forthwith, in case, no Inquiry Officer has been appointed till date. Inquiry Officer shall issue the chargesheet to the petitioner within a period of three weeks from the date of his appointment. In case, Inquiry Officer has already been appointed, he/she will issue chargesheet to the petitioner within a period of three weeks from today. Thereafter, the petitioner shall file reply to the chargesheet within a period of two weeks from the date of receipt of chargesheet. Petitioner shall cooperate in the inquiry and the inquiry shall be concluded within a period of three months from the date of production of certified copy of this order before respondent no. 2.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

September 28 , 2005
SKSharma